IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 2046 of 2007(R)

PETITIONER:

G.LALU, S/O. GOPINATHAN,
M/S. JEEVAN CASHEWS, PERUMPUZHA P.O.,
KUNDARA, KOLLAM.

BY ADV. SRI.V.C.JAMES
SRI.GEORGE MECHERIL
SRI.SERGI JOSEPH THOMAS
SRI.A.AJAYAKUMAR

RESPONDENTS:
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1. THE REGIONAL PROVIDENT FUND
COMMISSIONER, BHAVISHYANIDHI BHAVAN,
P.B.NO.1016, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM, PIN-695 004.

2. RECOVERY OFFICER,
OFFICE OF THE RECOVERY OFFICER,
BHAVISHYANIDHI BHAVAN, P.B.NO.1016,
PATTOM PALACE P.O., THIRUVANANTHAPURAM-695 004.

BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.2046 of 2007

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Dated this the 19th day of January, 2007.

JUDGMENT

The petitioner is the lessee of the cashew factory which is in arrears of Provident Fund. Since there is charge on the property leased out to the petitioner, the petitioner is bound to remit the arrears failing which petitioner will have to vacate the premises. However, since petitioner agreed to settle liability in the course of six months with statutory rate of interest, W.P. is disposed of directing the petitioner to clear the arrears in six equal monthly instalments, first of which will be paid on or before 15.2.2007 and balance on or before the 15th day of five succeeding months. The petitioner will furnish a copy of this judgment and along with it post dated cheques encashable on the respective date of instalments so that respondents can on due date encash the cheques. If any cheque is dishonoured, the matter will be reported to this court for initiating contempt against the petitioner as time is granted based on undertaking in court. As the liability is not that of the petitioner, it is upto the petitioner to recover it from lease rent or other amount payable from the previous owner. Recovery proceedings will remain stayed for payment as above and on first default,

recovery will revive and will be continued without prejudice to the right of the respondents to move for contempt.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms